

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

EDITH GIBSON,

Plaintiff,

v.

Case Number 11-CV-11698  
Honorable Thomas L. Ludington

OXFORD COLLECTION AGENCY, INC.,

Defendant.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND DISMISSING COMPLAINT FOR WANT OF PROSECUTION**

This matter is before the Court on the report and recommendation (ECF No. 17) issued by Magistrate Judge Charles E. Binder on December 9, 2011, on the show cause order (ECF No. 16) entered on November 18, 2011, directing Plaintiff Edith Gibson to show cause why the case against Defendant Oxford Collection Agency should not be dismissed for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Plaintiff did not respond to the show cause order. Judge Binder recommends that the Court dismiss Plaintiff's complaint for want of prosecution pursuant to Rule 41(b), which authorizes the involuntary dismissal of a complaint "[i]f the plaintiff fails to prosecute or to comply with . . . a court order."

As of today's date, no party has filed any objections to Judge Binder's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th

Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation (ECF No. 17) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

Dated: January 5, 2012

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 5, 2012.

s/Tracy A. Jacobs  
TRACY A. JACOBS